

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2012 JUL 20 PM 2:47

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SAMUEL FELIX

v.

UNITED STATES OF AMERICA

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2:10-CV-257

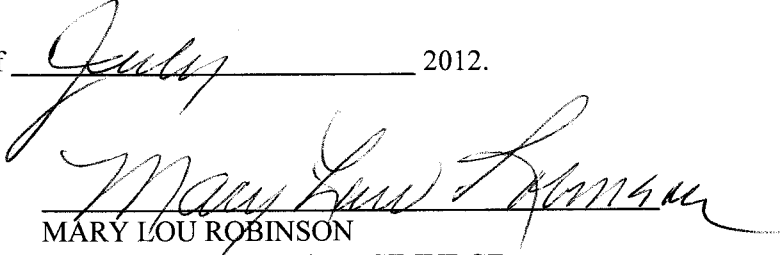
ORDER ADOPTING REPORT AND RECOMMENDATION,
DISMISSING MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE,
GRANTING AN OUT-OF-TIME APPEAL,
and REINSTATING JUDGMENT IN CRIMINAL CASE

Came for consideration the motion to vacate, set aside or correct sentence by a person in federal custody filed by defendant. On June 29, 2012, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant motion be dismissed without prejudice, defendant be granted an out-of-time appeal, and the Judgment in the underlying criminal case, number 2:09-CR-028, be reinstated pursuant to the mandates of *United States v. West*, 240 F.3d 456, 462 (5th Cir. 2001). As of this date, no objections to the Report and Recommendation have been filed.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge ADOPTS the Report and Recommendation. Accordingly, the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by defendant is DISMISSED without prejudice, defendant is GRANTED an out-of-time appeal, and the Judgment in criminal case number 2:09-CR-028 is REINSTATED.

IT IS SO ORDERED.

ENTERED this 20th day of July 2012.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE